UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

GREGORIO CRUZ,

Plaintiff, : 22-cv-09853 (ALC)

-against-

ORDER TO TERMINATE

CALABRIA MIA, CORP., and JUSEPE CHIAELLO,

:

Defendants.

ANDREW L. CARTER, JR., District Judge:

This Court issued two Orders to Show Cause to Plaintiffs. To date, Plaintiff has not filed a notice of appearance for its new counsel, nor responded to the Orders. Accordingly, this action is **DISMISSED** without prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. See *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41 (b) also gives the district court authority to dismiss a plaintiff's case sua sponte for failure to prosecute... "). The Clerk of the Court is respectfully directed to terminate this proceeding.

SO ORDERED.

Dated: September 18, 2023

New York, New York

ANDREW L. CARTER, JR. United States District Judge

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